

H. R. 901.

FEBRUARY 1, 1837.

Read twice, and committed to the Committee of the Whole House on the state of the Union.

Mr. H. EVERETT, from the Committee on Indian Affairs, reported the following bill :

A BILL

To provide for the security and protection of the emigrant and other Indians west of the States of Missouri and Arkansas.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled, That*
3 the country bounded as follows : beginning at the intersection of
4 the Puncah river, and the twenty-third degree of longitude west
5 of the meridian of the city of Washington ; thence, down said
6 river to Missouri river ; thence, down Missouri river, on the
7 southwest bank, to the State of Missouri ; thence, along the west-
8 ern line of the State of Missouri, to the northwest corner of the
9 State of Arkansas ; thence, along the western boundary of the
10 State of Arkansas, to Red river ; thence, up Red river, to the said
11 twenty-third degree of longitude ; thence, on said twenty-third
12 degree of longitude to the beginning, to be denominated the
13 Indian district, shall be, and the same is hereby, reserved for
14 the use of the various Indian tribes who have or may have a
15 right to the same ; and the faith of the United States is hereby
16 pledged, that such parts of said Indian district, as have been or

17 shall be granted or ceded to any of the Indian tribes, are, and
 18 shall be, secured to them and their descendants: and the United
 19 States will cause patents to be issued to said tribes, respectively, ac-
 20 cording to the terms of such grants or cessions; and if two or more
 21 tribes shall unite and form a single tribe, such grants, cessions,
 22 and patents shall enure to the benefit of such united tribe:
 23 *Provided*, That the lands secured to any tribe shall revert to
 24 the United States when such tribe shall abandon the same or
 25 become extinct: *Provided, also*, That the United States shall
 26 have the right to make military roads through the same, and to
 27 occupy a sufficient quantity for military posts, and for the resi-
 28 dence of such persons as shall be authorized to reside in the In-
 29 dian country, in conformity with treaties and the laws of the
 30 United States.

1 SEC. 2. *And be it further enacted*, That a superintendent
 2 of Indian affairs, for the said Indian district, shall be appointed
 3 by the President, by and with the advice and consent of the
 4 Senate, for the term of three years, who shall take an oath of
 5 office, and who shall receive a salary of twenty-five hundred dol-
 6 lars per annum, which shall be in full of all charges, allowances,
 7 and emoluments, of whatever nature or kind; and said super-
 8 intendent shall reside at such place, within the said Indian dis-
 9 trict, as the President shall direct, and shall execute such duties
 10 as shall be enjoined by law, under such regulations as shall be

11 established by the President; to whom, as often as he shall re-
 12 quire it, the said superintendent shall report his proceedings.

1 SEC. 3. *And be it further enacted,* That a secretary of said
 2 Indian district shall be appointed by the President, by and with
 3 the advice and consent of the Senate, for the term of four years;
 4 who shall take an oath of office, and shall receive an annual sa-
 5 lary of fifteen hundred dollars, which shall be in full of all
 6 charges, allowances, and emoluments whatever; and he shall re-
 7 side at the place appointed for the residence of the superintend-
 8 ent, and who shall keep a record of all the official proceedings of
 9 the superintendent, and annually transmit a copy of the same to
 10 the President, to be laid before Congress; and shall perform the
 11 duties of superintendent during the vacancy of such office, or
 12 during the absence of the superintendent.

1 SEC. 4. *And be it further enacted,* That each of the tribes
 2 residing within said Indian district may establish and maintain
 3 such government and laws, for the regulation of their internal
 4 concerns, as to them may seem proper, not being contrary to the
 5 stipulations contained in any existing treaty with such tribe; or
 6 to the laws that have been or may be passed by Congress to re-
 7 gulate trade and intercourse with the Indian tribes.

1 SEC. 5. *And be it further enacted,* That, as soon as may be
 2 after his appointment, the superintendent shall invite the chiefs
 3 of the various tribes, or parts of tribes embraced in this act, to
 4 unite in a general council, for the purpose of forming a confe-

deration, for regulating the intercourse and preserving peace with each other, and for their assent to such of the provisions of this act as may require their co-operation or assent; and such articles of confederation and such assent shall not be binding on any tribe unless subsequently assented to by such tribe in council, or by its delegates duly authorized for that purpose; and duplicates of the articles of confederation and of such act of assent shall be made, one of which to be transmitted to the President, and the other retained in the office of the superintendent: *Provided*, That said articles of confederation shall be of no effect until approved by the President; and, if not approved by him, they shall be returned to the superintendent, to be again submitted to the council for such modification as he may think proper: *Provided further*, That copies of the articles of confederation, that may finally be adopted, shall be laid before Congress at its next session: *And provided further*, That the said confederation may be carried into effect so soon as any, then of the principal tribes in said Indian district, shall have assented to the same.

SEC. 6. *And be it further enacted*, That any of the tribes now within, or that may hereafter emigrate to, said Indian district, shall be entitled to be admitted into the said confederation on an equal footing with the tribes first assenting thereto; the right of representation having relation to their numbers.

SEC. 7. *And be it further enacted*, That, after the forma-

tion of such confederation, and according to an article to be contained in it, a general council of the tribes composing such confederation shall be annually held, at such place as the superintendent shall appoint, to consist of not less than twenty-four members nor more than forty-eight, who shall be chosen by their respective tribes, in such ratio and in such manner as shall be provided in such articles of confederation. The superintendent shall secure to each member equal privileges, and a majority shall constitute a quorum; and the said council shall have power to make all necessary regulations respecting the intercourse among their tribes, and with other tribes, for the preservation of peace; to put an end to hostilities; to settle questions of boundaries; to arrest and punish Indians who may commit offences within the limits of one tribe, and flee to another; and generally to adopt such measures as may be necessary to give effect to this act, without infringing the rights of the tribes, severally, to manage their own internal concerns; and the members shall receive from the United States their necessary subsistence while attending and returning from the council, until otherwise provided by law: *Provided*, The regulations so passed be not repugnant to the provisions of this act, nor to the treaties with such tribes, or with any other tribe of Indians; and to that end, all laws and regulations passed by a majority of the council shall be submitted to the superintendent, and shall have no force until

26 approved by him: *Provided further*, That said laws and regu-
 27 lations shall be reported by the superintendent to the President
 28 of the United States; and, if they are not approved by him, they
 29 shall cease to be of any force or effect: *And provided further*,
 30 that a regular journal of the proceedings of the council shall be
 31 kept, in the English language, and certified by the superintend-
 32 ent, and copies thereof be printed, at the close of each session, for
 33 each tribe, for the superintendent, secretary, the Office of Indian
 34 Affairs, the Committees on Indian Affairs in the Senate and
 35 House of Representatives, and the library of Congress.

1 SEC. 8. And to promote the advancement of such confed-
 2 erated tribes in the arts of confederation, to afford them a con-
 3 vincing proof of the desire of the United States that they may be
 4 secured the enjoyment of the benefit of free government, and to
 5 enable them at all times to represent their condition to the
 6 Government, *It is hereby further enacted*, That such confederated
 7 tribes, or their general council, may elect, in such manner as
 8 may be prescribed in the articles of confederation, a delegate to
 9 reside at the seat of Government during the session of Congress,
 10 who shall be of Indian descent, and an acknowledged member
 11 of an Indian tribe, and who shall be entitled to the same com-
 12 pensation as that of a delegate from a Territory.

1 SEC. 9. *And be it further enacted*, That all persons in the
 2 service of the United States, and all persons employed under
 3 treaty stipulations, and all persons travelling in or through said

4 Indian district, not being residents therein, shall be under the
 5 protection of, and subject to, the laws of the United States; and
 6 if any such person shall, within said Indian district, commit any
 7 offence against the laws of the United States, it shall be the duty
 8 of the superintendent to cause such person to be apprehended,
 9 and removed for trial to the judicial district having jurisdiction
 10 of such offence; and if any such person shall commit an offence
 11 against the laws of such tribe, it shall be the duty of such super-
 12 intendent, on the complaint of such tribe, forthwith to cause such
 13 person to be removed from the limits of such tribe.

1 SEC. 10. *And be it further enacted,* That, for the purpose
 2 of carrying this act into effect, all that part of the said Indian
 3 district that lies south of the north line of the lands assigned to
 4 the Osage tribe of Indians, to the State of Missouri, shall be, and
 5 hereby is, annexed to the judicial district of Arkansas; and that
 6 all that part of said territory that lies north of said line shall be,
 7 and is hereby, annexed to the judicial district of Missouri.

1 SEC. 11. *And be it further enacted,* That the twenty-fifth
 2 section of the "act to regulate trade and intercourse with the
 3 Indian tribes, and to preserve peace on the frontiers," passed
 4 thirtieth of June, one thousand eight hundred and thirty-four,
 5 shall not extend to crimes committed by an Indian within the
 6 said Indian district.

1 SEC. 12. *And be it further enacted,* That in all cases
 2 where any person, not a member of any tribe in said Indian dis-

3 trict, shall be convicted of an offence, the punishment whereof,
4 by the laws of the tribe in which such conviction shall be had,
5 is death, it shall be the duty of the superintendent forthwith to
6 suspend the execution and report the case to the President, and
7 the execution shall be suspended until the pleasure of the Presi-
8 dent be known ; and in all cases where a member of one of the
9 tribes in said Indian district shall be convicted of an offence in
10 another tribe, the punishment whereof, by the laws of the tribe
11 where such conviction is had, is death, the superintendent shall
12 suspend the execution until the pleasure of the President shall
13 be known,

1 SEC. 13. *And be it further enacted,* That the trade and in-
2 tercourse with the several Indian tribes, within the said Indian
3 district, shall be regulated by the laws regulating trade and in-
4 tercourse with the Indian tribes, unless otherwise provided in
5 this act.

1 SEC. 14. *And be it further enacted,* That nothing in this act
2 shall be construed to affect the obligations of existing treaties.